BILL NO. Z-83-11-31

ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-10.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lots Numbered 1, 2, 3 and the west 39 feet of Lot Numbered 4 in Monument Place Addition

and the symbols of the City of Fort Wayne Zoning Map No. M-10, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

_____
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY

_____
BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Stier, seconded by Gia Quinta, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19___, at _____ o'clock ___.M.,E.S.T.

DATE: 11/22/83 Sandra E. Kennedy - CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	____	____	_____	_____	_____
BRADBURY	____	____	_____	_____	_____
BURNS	____	____	_____	_____	_____
EISBART	____	____	_____	_____	_____
GiaQUINTA	____	____	_____	_____	_____
SCHMIDT	____	____	_____	_____	_____
SCHOMBURG	____	____	_____	_____	_____
SCRUGGS	____	____	_____	_____	_____
STIER	____	____	_____	_____	_____
TALARICO	____	____	_____	_____	_____

DATE: _____ _____ - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____.

ATTEST: (SEAL)

_____ CITY CLERK _____ PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____.M.,E.S.T.

_____ CITY CLERK

Approved and signed by me this _____ day of _____ 19____, at the hour of _____ o'clock _____.M.,E.S.T.

_____ WIN MOSES, JR. - MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We William L. Schrader and Steven K. Hughes, Agent for Sun Refining
(Applicant's Name or Names) and Marketing Company

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B District to a/an B3B District the property described as follows:

Lots numbered 1, 2, 3 and the west 39 feet of Lot numbered 4 in Monument Place Addition to the City of Fort Wayne, according to the plat in plat record 11, at page 47.

(Legal Descrption) If additional space is needed, use reverse side.

Vacant service station center at Spy Run and Tennessee Avenues, Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are agents for the owners of fifty-one percentum (51%) or more of the property described in this petition.

William L. Schrader	304 Meridian St.	William L. Schrader
WILLIAM L. SCHRADER	R. #1 Churubusco	Steven K. Hughes
Steven K. Hughes		
STEVEN K. HUGHES		
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____.

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinanc being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

JACK E. ROEBEL	712 Commerce Building Fort Wayne, IN 46802	(219) 426-6911
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearin approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Lots numbered 1, 2, and 3 and the West 39 feet of Lot Number 4 in Monument Place Addition to the City of Fort Wayne, according to the plat in Plat Record 11 at page 47.

Owners of Property

SUN REFINING AND MARKETING COMPANY	P.O. Box 34257	
	Indianapolis, IN 46234	
(Name)	(Address)	(Signature) (Agents for Sun Refining and Marketing Company)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

ADDENDUM TO PETITION FOR ZONING ORDINANCE AMENDMENT FILED BY WILLIAM L. SCHRADER and STEVEN K. HUGHES, AGENTS FOR SUN REFINING AND MARKETING CO.

The property in question is being purchased by WILLIAM L. SCHRADER and STEVEN K. HUGHES, from Sun Refining and Marketing Company. They are authorized to petition this Board for a zoning change pursuant to a letter dated October 5, 1983 from L. R. Tetrick of the Sun Refining and Marketing Company, a copy of which is attached to this petition.

The property in question is an abandoned service station at Spy Run and Tennessee Avenue, Fort Wayne, Indiana, and has been vacant for approximately two years. It is very run down and has not been properly maintained. The gas tanks have been removed and all pumps are gone.

If the zoning change requested is granted, William L. Schrader and Steven K. Hughes intend to upgrade the property as deemed appropriate. For example, they intend to repair the area where the gas tanks have been removed, they intend to remove the weeds and generally clean up the area, and they intend to upgrade the building for the purposes, such as painting, repairing, remodeling, etc.

William L. Schrader and Steven K. Hughes intend to use the building in question for an auto repair and body shop. Their current intention is to eventually work only in a specialized area. They intend to work on specialty cars and to sell and install after market accessories on specialty sports cars. Until this market area fully develops, they do intend to do regular work on regular cars and may do minimal work in that area. Hopefully, however, this will only be for a short period of time while their intended market area develops.

Recognizing certain objections which might be raised, your applicants feel it appropriate to address some of those possible objections. They recognize that the neighborhood would feel that there may be many cars located on the property which are old, delapidated and not running, and that this would constitute an eyesore. Your applicants intend to build and install a bullpen behind the building for safety, protection of customers, and to keep the vehicles out of the public eye.

They also recognize that some of the neighbors may object to the possible increase in traffic. Your applicants feel that their work will be much quieter than a service station because there will be no tire changing, bells ringing, no constant traffic in and out. The frequency of loud noises will be much less, especially when considering their intended specialty area. There will be less danger and hazard, recognizing that there are no gas tanks in the ground. The property was built as a service station and because of the flood plain, cannot be used as one again. The highest and best use is for an automobile/mechanical work area. The primary function is for this, and for building "kit cars" from scratch. The building and lot will be improved rather than the delapidated condition it has been in for the last two years. With regard to possible noise, your applicants would again point out that their primary objective is to work on select cars, such as specialty cars and that the bulk of their work will not be traditional repair, and engine work. The work will be oriented towards cosmetic improvements and regular maintenance towards high value and exclusive cars, and will not be a grease pit for junk cars.

At the present time, they intend to have their facilities open from 8:00 a.m. until 6:00 p.m. Monday through Fridays, and no decision has been made as to Saturday work times. They feel that

the new zoning change from B1B to B3B will increase the market value of the property.

Your applicants have offered to purchase the property in question and two contingencies exist on that purchase agreement. First of all, it will be necessary to obtain financing and no financing will be available until this second contingency is satisfied, that being the zoning change. They do intend to have additional jobs available for other workers, but not necessarily in the immediate future.

Your applicants feel that the best and highest use for the property in question is the type of work they intend to do, and as such, we respectfully petition this Board for the requested zoning change.

Sun Refining and
Marketing Company

P.O. Box. 34257
Indianapolis IN 46234

October 5, 1983

Ms.Cathy Goonen
4002 Captiva Drive
Ft. Wayne, In 46815

RE: 749-251 (0009-4870)

SE/C Spy Run Ave. & Tennessee Ave.
(1626 Spy Run)
Ft. Wayne, Indiana

I hereby authorize and grant consent for William L. Schrader and Steven K. Hughes to proceed for a change of zoning on the above described premises, from B - 1 - B to B - 3 - B.

Sincerely,

SUN REFINING AND MARKETING COMPANY

R.L.Tetrick
Land Representative

RLT:rr

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 22, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-11-31; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 21, 1983;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Finding of Fact":

(1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 19, 1983.

Certified and signed this
21st day of December 1983.

Stephen A. Bailey
Secretary

PRESCRIBED BY STATE BOARD OF ACCOUNTS

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 353

RECEIPT

№ 9067

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 10/14 1983

RECEIVED FROM Kathleen Goonen $ 50.00

THE SUM OF Fifty and 00/100 DOLLARS

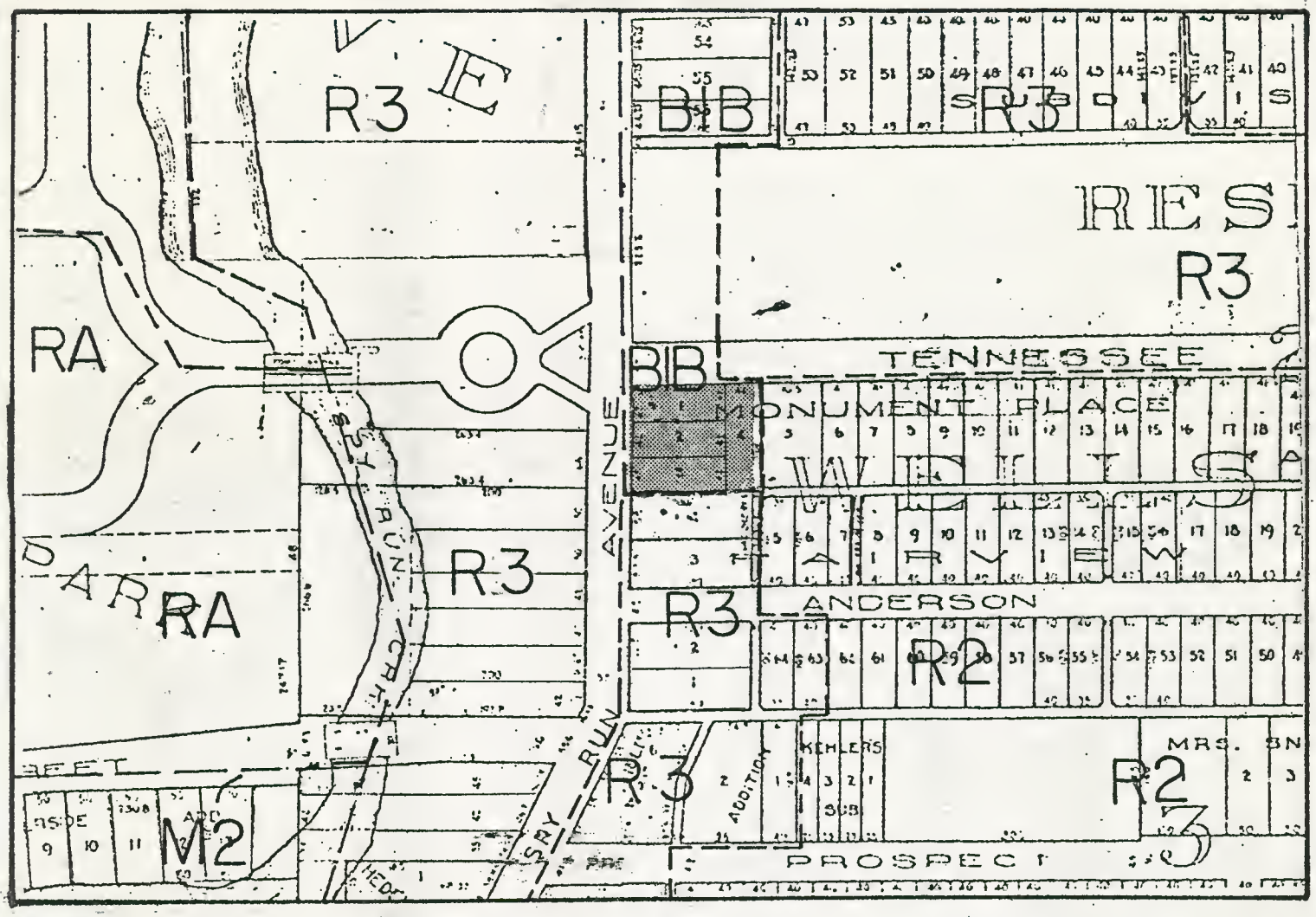
ON ACCOUNT OF Rezoning

Lots 1, 2, & 3 & pt 4 Monument Pl Add

Kathe Schaeffer

AUTHORIZED SIGNATURE

Ck 4 D3



A PETITION TO AMEND THE ZONING MAP BY RE-CLASSIFYING DESCRIBED PROPERTY FROM A B1B TO A B3B DISTRICT.

MAP NO. M-10

N

Z-83-11-31

Kathy Goonen
4002 Captiva Drive
Fort Wayne, IN 46815

City Clerk's Office
City County Building
1 Main Street
Fort Wayne, IN

January 9, 1984

To all it concerms:

This is to confirm my recent phone conversation with Natka Eschkoff and Don Schmidt regarding the petition for Zoning Amendment Z-83-11-31. This was for a rezoning of B1B to B3B for the property located at 1624 Spy Run Avenue.

At the recommendation of the City Plan Commission, the purchasers of the property have filed for a use variance. This will not appear on the public hearing until January 26, 1984. We would like to hold the bill from the City Council until this variance request has been resolved, which should be by the first week in February.

Sincerely,

Kathy Goonen

cc: Janet Bradbury
Ben Eisbart
Natka Eschkoff

THE CITY OF FORT WAYNE

DIVISION OF LAND USE MANAGEMENT
Department of Community Development & Planning

21 December 1983

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission zt their regular meeting held December 19, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-83-11-31

2. From B-1-B to B-3-B

3. Intended Use: Conversion work on "specialty" cars.

4. Plan Commission Recommendation: DO NOT PASS

   This ordinance received a DO NOT PASS recommendation for the following reason:

   a. The value of the area adjacent to this property will be affected in a substantially adverse manner.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten

Gary F. Baeten
Senior Planner

GFB:pb

Attachments

Admin. Appr. _____

ORIGINAL DIGEST SHEET ORIGINAL

6465

TITLE OF ORDINANCE Zoning Map Amendment 3-88-11-31

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Lots 1, 2, 3 and the west 39 feet of Lot 4 in Monument Place Addition.

EFFECT OF PASSAGE Property is now zoned B-1-B - Limited Business. Property will become B-3-B - General Business.

EFFECT OF NON-PASSAGE Property will remain B-1-B - Limited Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE (J.N.)

hold

BILL NO. Z-83-11-31

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-10

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE _____ PASS.

JANET G. BRADBURY, CHAIRWOMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

CHARLES B. REDD

MARK E. GiaQUINTA

JAMES S. STIER